

PATENT  
Appl. No. 09/306,084

**REMARKS**

Claims 1-10 are pending in the present application. Claims 1, 8, and 9 are independent. Claims 1, 2, 8, and 9 have been amended to help make the claims more readable.

**Allowable Subject Matter**

Applicants acknowledge the Examiner's indication that claims 2, 4 and 7 contain allowable subject matter.

**Rejection Under 35 U.S.C. § 102**

Claims 1, 3, 8, 9, and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Whitehead (U.S. Patent No. 6,157,616). Applicants respectfully traverse.

Applicants assert that Whitehead fails to disclose adjusting a transmit power of a wireless transmitter in relation to an expected plurality of ACKs and one of a number of ACKs lost and a number of ACKs received for radio transmissions over said wireless link, the plurality of expected ACKs being N, as recited in claim 1.

Whitehead discloses, as shown in FIG. 4 at steps 434 and 450, that a baseline carrier sense defer threshold and baseline transmit power level are modified based on only one acknowledgement. Applicants submit that modifying a baseline carrier sense defer threshold and a baseline transmit power level using only one acknowledgement is not the same as that which is recited in claim 1 at least because Whitehead does not disclose that a plurality of acknowledgements is used. Therefore, Whitehead cannot disclose or suggest adjusting a transmit power of a wireless transmitter in relation to an expected plurality of ACKs and one of a

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number of ACKs lost and a number of ACKs received for radio transmissions over said wireless link, the plurality of expected ACKs being N. Whitehead does not disclose each and every element of claim 1.

With regard to claims 8 and 9, claims 8 and 9 include similar limitations as independent claim 1 and are allowable for the reasons stated in the traverse of claim 1 above.

With regard to dependent claims 3 and 10, claims 3 and 10 are allowable at least because they depend from one of independent claims 1 and 9.

Applicants respectfully request the art grounds of rejection be withdrawn.

**CONCLUSION**

In view of the foregoing, Applicants submit that claims 1-10 are patentable over the relied upon references, and that the application as a whole is in condition for allowance. Early and favorable notice to that effect is respectfully solicited.

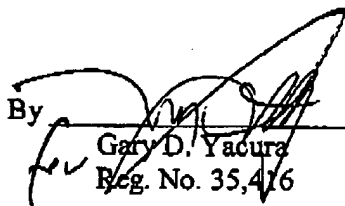
In the event that any outstanding matters remain pending in this application, Applicants request that the Examiner contact the undersigned to discuss such matters.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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